

**Chapter 19.760*****Conditional Use Permit*****19.760.010 Purpose**

- A. The City recognizes that certain uses, due to the nature of use, intensity, or size, require special review to determine if the use proposed, or the location of that use, is compatible with surrounding uses, or through the imposition of development and use conditions, can be made compatible with surrounding uses. The Conditional Use Permit is provided for this purpose.
- B. To ensure compatibility with zoning regulations and surrounding properties, conditional uses require special consideration. The Planning Commission is empowered to grant and deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of such permit.

**19.760.020 Procedures**

- A. General Process

Conditional Use Permit (CUP) applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings) and 19.680 (Appeals), 19.690 (Effective Dates) and other applicable Chapters of the Zoning Code.

**19.730.030 Applicability and Permit Requirement**

- A. The Approving or Appeal Authority may grant a conditional use permit, in accordance with the procedures stated in this Article, for any of the uses specifically listed in the Zoning Code as permitted subject to the granting of a conditional use permit. Tables 19.150.020 A and B summarize those uses requiring a conditional use permit and the applicable base zones.

**19.760.040 Required Findings**

The Planning Commission may grant a conditional use permit in whole or in part, and including appropriate conditions of approval if, from the evidence presented at the public hearing, the following written findings can be made:

- A. The proposed use is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;

- B. The proposed use will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area; and
- C. The proposed use will be consistent with the purposes of the Zoning Code and the application of any required development standards is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

#### **19.760.045 Conditions of Approval/Guarantees**

- A. In granting a conditional use permit, certain safeguards may be required and certain conditions established to protect the public health, safety, convenience and general welfare and to assure that the purposes of the Zoning Code shall be maintained with respect to the particular use on the particular site and in consideration of the location, use, building and traffic characteristics and environmental impact of the proposed use and of existing and potential uses within the general area in which such use is proposed to be located.
- B. The conditions attached to conditional use permits may include such provisions concerning use, height, area, yards, open spaces, setbacks, parking, loading, signs, improvements, site design, operation characteristics, land use compatibility, general character, appearance, environmental impact, time limits for commencing the construction or use authorized, revocation dates, and other conditions the Planning Commission may deem appropriate and necessary to carry out the purposes of the Zoning Code and Chapter.
- C. The Planning Commission may require bonds or other forms of guarantees for the Conditional Use Permit to ensure compliance with this Chapter and other applicable provisions of the Zoning Code, and to prevent adverse or detrimental impact to the surrounding neighborhood.
- D. The conditions of approval must be kept on site and be made available for inspection on demand by a City representative.
- E. Conditional Use Permits are approved for the uses of a particular property and may be transferred between one owner of the land to another.

#### **19.760.050 Voting Approval Requirements**

- A. The decision of Planning Commission to grant a conditional use permit shall require an affirmative vote of  $\frac{2}{3}$  of the membership present and voting.

#### **19.760.060 Minor Modifications to Approved Conditional Use Permits**

Minor modifications to approved conditional use permits pursuant to Section 19.760.030 may be approved by the Zoning Administrator.

## **19.760.070 Review for Compliance and Revocation**

### **A. Compliance Investigation**

The City may conduct an investigation to ensure that the permittee is maintaining the use as applied for, in compliance with all conditions, and has not converted or modified the use. Failure to operate in accordance with the conditions of the conditional use permit shall be the subject of an enforcement action and administrative civil penalties as provided for under Chapter 1.17 of the Riverside Municipal Code and/or grounds for setting the matter for public hearings to consider revocation of the permit. The election of administrative civil penalties shall in no way act as a waiver of the revocation of the permit. The City may also pursue any other option permitted by law to require compliance with the conditions of the permit.

### **B. Revocation of Conditional Use Permits**

1. The Planning Commission may upon the direction of the City Council shall hold a public hearing to consider the revocation of a conditional use permit granted in accordance with the provisions of this Chapter and over which such Commission has jurisdiction.
2. Written notice of the date, time, place and purpose of such public hearing shall be served on the owner of the property for which the permit was granted by registered mail, postage prepaid, return receipt requested, not less than ten days prior to the date of such hearing. Additional notice shall be given in the manner prescribed in this Chapter governing notices of conditional uses permits. The public hearing and investigations shall be conducted and hearing records maintained in the manner prescribed in this Chapter.
3. A conditional use permit may be revoked if, from the facts presented at the public hearing or by investigation, the Planning Commission finds any one or more of the following grounds:
  - a. That the permit approval was obtained by fraud;
  - b. That the permit granted is being or has been exercised contrary to the conditions of such permit or in violation of any applicable licenses, permits, regulations, laws, or ordinances; and
  - c. That the use for which the permit approval was granted is being or has been exercised as to be detrimental to the public health or safety or so as to constitute a nuisance.
4. Each decision by the Planning Commission to revoke a conditional use permit shall be by a formal and numbered resolution adopted by the affirmative votes of at least  $\frac{2}{3}$  of the membership of the Planning Commission, such membership being based upon membership present and voting. The Planning Commission shall make its findings, announce its decision and mail a notice of its decision to the owner of the property involved in the manner prescribed in this Chapter. Any person aggrieved

or affected by a decision of the Planning Commission in approving or disapproving a revocation of a conditional use permit may appeal to the City Council in the manner prescribed in this Chapter. The City Council may, after a public hearing has been held in the manner prescribed in this Section, affirm, reverse or modify the decision of the Planning Commission.

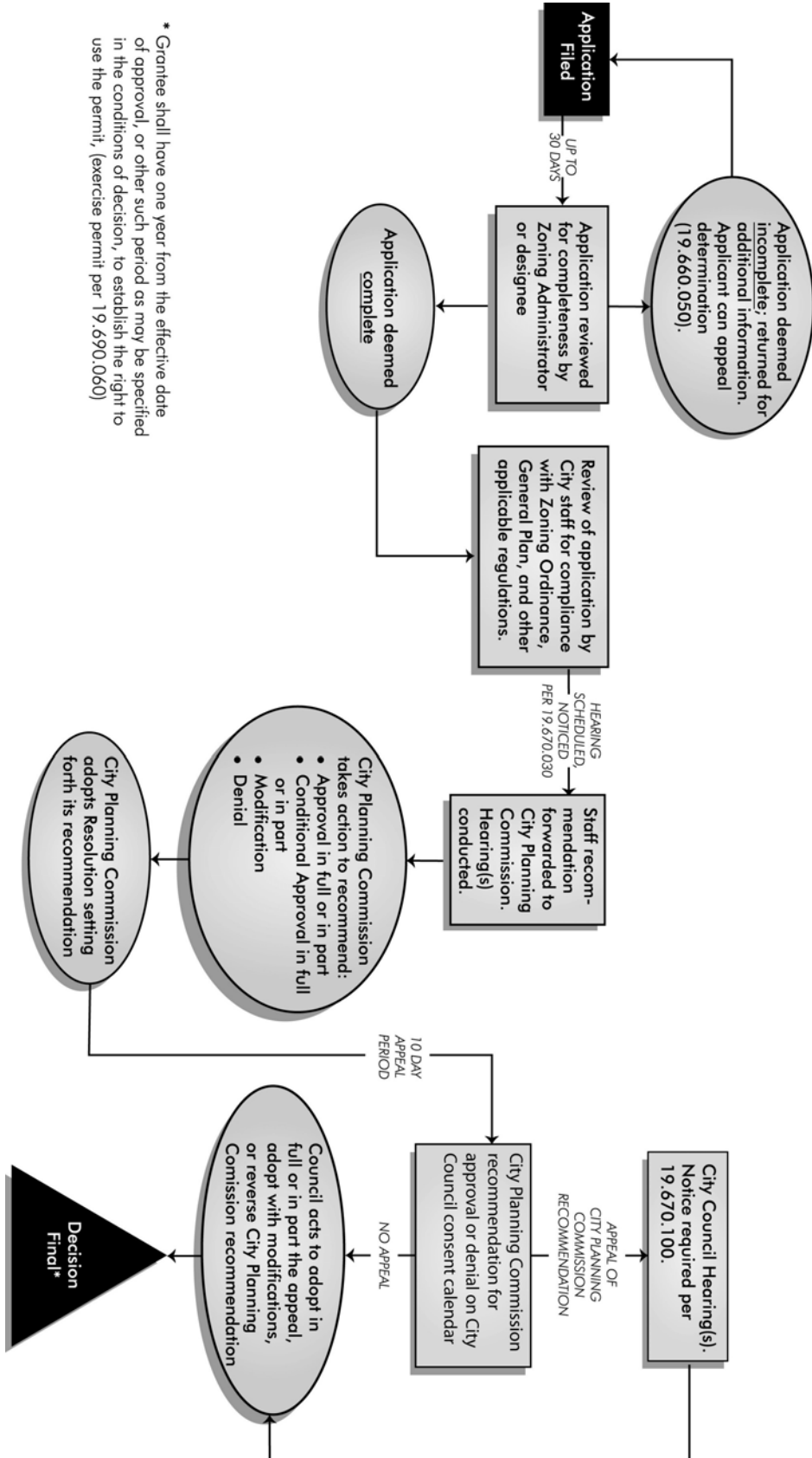
#### **19.760.080 Limited Term Approval**

If the Planning Commission determines based upon written findings that it is necessary to protect the public health, safety or general welfare, the Planning Commission may limit the term of the permit.

#### **19.760.090 Voiding of Conditional Use Permits**

- A. Any conditional use permit granted by the Planning Commission or by the City Council on appeal shall become null and void if:
1. The construction or use authorized by such permit is not commenced within the time limit specified in such permit, and such construction is not pursued diligently to completion; provided, however, that the Planning Commission may extend the time limit if a written application showing good cause for such time extension is submitted to the Planning Division prior to the expiration of the time limit; or
  2. The use for which the permit was granted has ceased to exist or has been suspended for 90 days or more, except that permits for uses which involve the on or off-sale of alcoholic beverages shall be subject to the provisions of Section 19.080.100 (Loss of Nonconforming Status for Alcoholic Beverage Sales); or
  3. The owner or owners authorized representative of the property for which the permit was granted requests in writing that the permit be voided and the Planning Commission having jurisdiction approved such request.

## 19.760.100 Conditional Use Permit Process in Flow Chart Form



\* Grantee shall have one year from the effective date of approval, or other such period as may be specified in the conditions of decision, to establish the right to use the permit, (exercise permit per 19.690.060)